

Exhibit 412

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

Washington, DC

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1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION

6 PRICE LITIGATION) 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO)

8 U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris

9 the Florida Keys, Inc.)

10 v.) Chief Magistrate

11 Abbott Laboratories, Inc.,) Judge Marianne B.

12 No. 06-CV-11337-PBS) Bowler

13 - - - - -

14 (cross captions appear on following pages)

15

16 Videotaped deposition of SUE GASTON

17

18 Volume II

19

20 Washington, D.C.

21 Wednesday, March 19, 2008

22 9:00 a.m.

1 ever?

2 A. You're talking about services?

3 Q. The fact that OIG is only looking at
4 the acquisition cost side of the equation. Do
5 you recall that being discussed ever at any
6 meeting?

7 A. I don't quite understand your question.
8 I mean, they do various reports. So are you
9 saying -- I don't understand your question. They
10 could look at that in one report.

11 Q. Do you recall that OIG prepared a
12 number of reports throughout the 1990s where they
13 compared acquisition cost to AWP?

14 A. Yes.

15 Q. Do you recall ever having discussion
16 with anyone that in their reports they were
17 focusing just on that aspect of reimbursement and
18 not on any other aspects?

19 MS. ALBEE: Objection, form.

20 A. I don't recall that.

21 Q. The conversations may have happened;
22 you just don't recall?

1 A. Correct.

2 Q. It's been some time since those reports
3 were issued?

4 A. Yes.

5 Q. Your memory has faded?

6 A. Excuse me?

7 Q. Your memory has faded?

8 A. Yes.

9 Q. In the third paragraph, third sentence,
10 it starts with "in Montana," it states "In
11 Montana we currently believe that the dispensing
12 fee is below the cost to dispense because of the
13 cap on dispensing fees that is currently in place
14 and has been for many years." Do you see that?

15 MS. MARTINEZ: Objection, form.

16 A. Yes.

17 Q. Do you recall learning in the mid-1990s
18 or earlier that there were some concerns across
19 the state Medicaid programs that dispensing fees
20 might be inadequate?

21 MS. ALBEE: Objection to form.

22 A. I don't specifically recall it, but